

ACT No. VII OF 1878.¹

[8th March, 1878.]

An Act to amend the law relating to forests,
the transit of forest-produce and the duty
leviable on timber.

[As modified up to the 1st December, 1903.]

WHEREAS it is expedient to amend the law re- Preamble.
lating to forests, the transit of forest-produce and
the duty leviable on timber; It is hereby enacted as
follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Indian Forest Act, Short title.
1878.

It shall come into force at once in the territories Commence-
respectively administered by the Governor of Bombay ment.
in Council, the Lieutenant-Governors of the Lower
Provinces, the North-Western Provinces, and the
Punjab (except the district of Hazara),² and the
Chief

¹ For Statement of Objects and Reasons, see Gazette of India, 1877, Pt. V, p. 11; for the first Report of the Select Committee, see *ibid*, Pt. V, p. 400; for Proceedings in Council, see *ibid*, Supplement, pp. 86, 121, 274, and *ibid*, 1878, pp. 326 and 437.

Act VII of 1878 has been declared in force in the Sonthal Parganas by Reg. III of 1872, s. 3, as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (III of 1899) [for Reg. III of 1872, see Bengal Code]; in Angul and the Khondmals by the Angul District Regulation, 1894 (Reg. I of 1894), s. 3; and in the Chittagong Hill Tracts by the Chittagong Hill Tracts Regulation, 1900 (I of 1900).

The Act has been declared, by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (XIV of 1874), to be in force in the following Scheduled Districts, in the Chota Nagpore Division, namely: the Districts of Bazaribagh, Lohardaga and Manbhum and Pargana Dhalbhum and the Kolhan in the District of Singhbhum—see Gazette of India, 1881, Pt. I, p. 504. The District of Lohardaga included at that time the present District of Palamau, separated in 1894. It is now called the Ranchi District; see Calcutta Gazette, 1899, Pt. I, p. 44.

² For the forest law in force in the Hazara District, see the Hazara Forest Regulation, 1893 (VI of 1893). Printed, Punjab Code, Ed. 1903, p. 434.

(Chapter I.—Preliminary.—Section 2.)

Chief Commissioners of Oudh, the Central Provinces and Assam.¹

Extension.

And any other Local Government may from time to time, with the previous sanction of the Governor General in Council, extend,² by notification in the local official Gazette, this Act to all or any of the territories for the time being under its administration.

Repeal of enactments.

On and from the date on which this Act comes into force in any of the said territories, the enactments mentioned in the schedule hereto annexed shall be repealed in such territories. But all rules made under or validated by any of the said enactments and in force at the date of such repeal shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context,—

“Forest-officer” means any person whom the Governor General in Council, or the Local Government or any officer empowered by the Governor General in Council or the Local Government in this³ behalf, may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes

¹ Act VII of 1878 was repealed in Assam from the 1st April, 1892—see the Assam Forest Regulation, 1891 (VII of 1891), ss. 1 (3) and 2 (1), printed, Assam Code, Ed. 1897, p. 298.

² Act VII of 1878 has been extended under this power to the Province of Coorg—see Coorg District Gazette, 1887, Pt. I, p. 640.

For Madras, Ajmere-Merwara, Burma, British Baluchistan and Assam there are special forest laws—see Madras Forest Act, 1882 (V of 1882), printed, Madras Code, Ed. 1902, p. 373; the Ajmere Forest Regulation, 1874 (VI of 1874), printed, Ajmere Code, Ed. 1893, p. 140; the Burma Forest Act, 1902 (IV of 1902), the British Baluchistan Forest Regulation, 1890 (V of 1890), printed, Baluchistan Code, Ed. 1900, p. 67; the Assam Forest Regulation, 1891 (VII of 1891), printed, Assam Code, Ed. 1887, p. 298.

In the Punjab, the Land Preservation (Chos) Act, 1900 (Punjab Act II of 1900), is to be read with and taken as part of this Act, see Punjab Code, Ed. 1903, pp. 492 and 500. For rules for the conservancy of forests and jungles in the hill districts of the Punjab territories, see Appendix to Punjab Code, p. 589. These rules are also in force in the North-West Frontier Province, see s. 4 and second schedule to Reg. VII of 1901, Punjab Code, pp. 551 and 582.

³ For notification appointing Forest-officers for the Sonthal Parganas and empowering them to compound for offences mentioned in s. 67 within certain specified areas, see Calcutta Gazette, 1901, Pt. I, p. 28.

(Chapter I.—Preliminary.—Section 2.)

purposes of this Act, or to do anything required by this Act or any rule made under this Act to be done by a Forest-officer :

¹ “ tree ” includes palms, bamboos, stumps, brushwood and canes :

² “ timber ” includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not :

² “ forest-produce ” includes—

(a) the following, whether found in, or brought from, a forest or not, that is to say :—
timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say :—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries) :

“ forest-offence ” means an offence punishable under this Act, or under any rule made under this Act :

“ cattle ”

¹ This definition of “ tree ” was substituted for the original by the Forest Act, 1890 (V of 1890), s. 2 (1). The original clause only referred to bamboos, stumps and brushwood.

² These definitions of “ timber ” and “ forest-produce ” were substituted for the original definitions by the Forest Act, 1890 (V of 1890), s. 2 (2) and (3), respectively. For Act V, see General Acts, Vol. V, Ed. 1898.

(Chapter II.—Of Reserved Forests.—Sections 3-4.)

¹ “cattle” includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids :

“river” includes streams, canals, creeks and other channels, natural or artificial.

CHAPTER II.

OF RESERVED FORESTS.²

Power to
reserve
forests.

3. The Local Government may from time to time constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification
by Local
Government.

4. Whenever it is proposed to constitute any land a reserved forest, the Local Government may publish a notification in the local official Gazette—

(a) declaring that it is proposed to constitute such land a reserved forest ;

³(b) specifying, as nearly as possible, the situation and limits of such land ; and

(c) appointing an officer (hereinafter called “ the Forest-settlement-officer ”) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised

¹ See similar definition in Cattle-trespass Act, 1871 (I of 1871), General Acts, Vol. II.

² As to the application of provisions relating to reserved forests (1), to village-forests, see s. 27, last paragraph ; (2) to forests, and lands not the property of the Government, see ss. 36, 38 ; (3) to forests, waste-lands or produce the joint property of the Government and other persons, see s. 79, *infra*.

³ This clause was substituted for the original cl. (b) by the Forest Act, 1890 (V of 1890), s. 3. Printed, General Acts, Vol. V. The original clause ran as follows :—“(b) specifying the limits of such forest ; and ”